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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,992	11/13/2001	Mark R. Gambino	POU920010131US1/I32-0010	9427

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Philmore H. Colburn II
CANTOR COLBURN LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

TRUONG, LECHI

ART UNIT PAPER NUMBER

2126

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/010,992		MARK R. GAMBINO	
	Examiner		Art Unit	
	LeChi Truong		2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11/13/2001</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are presented for the examination.

Claim Rejections - 35 USC § 112

2. Claims 1-6, 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

(i) The SSL daemon process- claim 1;

(ii) The SSL daemon –claim 7;

B. The following claim language is not clearly defined:

(i) As per claim 1, line 3-5, it is not clearly indicated what the relationship is among the application process, a daemon process and a SSL wrapper process and how they can communicate with each other.

(ii) As per claims 2 and 10, it is not clearly indicated what is the next step if the request is an SSL session happened for shared or unshared SSL session.

(iii) As per claim 10, lines 7 and 10, it is not clearly indicated who receive the return code from the SSL daemon process.

(iiii) As per claim 12, line 2, it is uncertain whether “ a SSL session” refers to “ a share” or “ unshared” SSL session of claim 10; Line 3, it is not clearly indicated where the first input parameter located (ie. is this claim suppose to depend on claim 11 ?)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al (Us. Patent 5,657,390) in view of ST (Stunel).

4. As to claim 1, Elgamal teaches the invention substantially as claimed including: secure sockets layer (SSL sessions) (col 5, ln 15-16/ ln 32-35/ col 11, ln 52 –55), an application process (col 11, ln 54-56), a daemon process (col 12, ln 14-16, col 13, ln 42-46), SSL application-programming interface (API) calls for communication (col 6, ln 15-25/ col 11, ln 52-56/ col 12, ln 13-16).

5. Elgamal does not teach the SSL wrapper process. However, ST teaches the SSL wrapper process (SSL encryption wrapper, page 1, ln 3-10).

6. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Elgamal and ST because ST 's SSL encryption wrapper would improve the security protocol by which e-mail message can be securely delivered to the recipient.

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7. Claims **7, 8, 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel et al (6,772,333 B1) in view of ST (Stunnel)

8. **As to claim 7**, Brendel teaches a process receiving a request for a shared SSL session from an application process (col 7, ln 25-30/ col 10, ln 13-18), an SSL session (encrypted session, col 7, ln 25-30, col 10, ln 12-18), at least one process receiving at least one return code, at least one process passing a return code to the application process (col 11, ln 23-26).

9. Brendel does not teach SSL wrapper for the process, the SSL daemon process for receiving request and return code. However, ST teaches SSL wrapper (SSL encryption wrapper, page 1, ln 3, ln 12-22), the SSL daemon process for receiving request and return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

10. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brendel and ST because ST's SSL encryption would improve the security of Brendel's system by securing all the message that are delivered to the recipient.

11. **As to claim 8**, Brendel teaches the first input parameter indicating whether or not a shared SSL session is requested (col 7, ln 25-30/ col 10, ln 1-9 and ln 14-18).

12. **As to claim 10**, Brendel teaches sharing secure sockets layer (SSL) sessions across multiple processes (col 7, ln 25-30), a computer to receive a request for an SSL session (col 9, ln 2-5), to determine whether the request is for a shared or unshared SSL session (col 10, ln 2-6/ col 7, ln 25-30), received at least one request for a shared SSL session to call a SSL session (col 9, ln

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3-8), to receive a return code from the SSL session (col 1, ln 41-42), pass a return a return code to SSL process (col 11, ln 23-26).

13. Brendel does not teach an SSL daemon to receive and sending a return code. However, ST teaches the SSL daemon process for receiving and sending return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

14. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brendel and ST because ST's daemons running on your system you can easily setup them to communication with clients over secure SSL channel would make the communication with client over secure SSL channel more consistent.

15. **As to claim 11**, Brendel teaches a first parameter indicating whether or not a shared SSL session is requested (SSL session ID, col 7, ln 25-30, col 8, ln 18-20/ col 10, ln 1-17).

16. **As to claim 12**, Brendel teaches the second input parameter being the data and application process to be secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11, ln 55-58).

17. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al (Us. Patent 5,657,390) in view of ST (Stunel), as apply to claim 1 above, and further in view of Brenbel (US, 6772,333 B1).

18. **As to claim 2**, Elganal and ST do not teach determines whether the request is for a shared or unshared SSL session or sharing secure sockets layer (SSL) sessions. However, Brendel

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teaches determines whether the request is for a shared or unshared SSL session (the same encrypted session to the same server based on the secure sockets layer (SSL) session ID, col 7, ln 25-30).

19. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Elgamal, ST and Brendel because Brendel's determination step of whether the request is for shared or unshared SSL session would improve the association of the different encrypted sessions and clear-text connections with the same user.

20. **As to claim 3**, Brendel teaches a first input parameter (the packets with the SSL session ID from the server, col 8, ln 15-20/ col 9, ln 2-8).

21. **As to claim 4**, Brendel teaches the second input parameter comprising the data the application process requests secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11, ln 55-58).

22. **As to claim 5**, Elgamal do not teach an SSL daemon to receive and sending a return code. However, ST teaches the SSL daemon process for receiving and sending return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

23. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Brendel and ST because ST's the SSL daemon process for receiving and sending return code would make the communication with client over secure SSL channel more consistent.

24. As to claim 6, ST teaches the SSL daemon process (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

Allowable Subject Matter

25. Claims 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100